

Message Text

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PAGE 01 LISBON 04239 200719Z

14

ACTION EUR-25

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L-03 NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 IO-14 DRC-01 /147 W

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R 191630Z NOV 73

FM AMEMBASSY LISBON

TO SECSTATE WASHDC 8759

INFO AMCONSUL LOURENCO MARQUES

AMCONSUL LUANDA

AMEMBASSY MADRID

AMCONSUL OPORTO

AMCONSUL PONTA DELGADA

AMEMBASSY ROME

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E.O. 11652: N/A

TAGS: PINT, PINR, PO

SUBJ: GOP DECREES AMNESTY

REF: LISBON 4346, DEC. 29, 1972

SUMMARY: GOP HAS DECREED BROAD AMNESTY BENEFITTING MOST ORDINARY CRIMINALS AND POLITICAL PRISONERS. SPECIAL PROVISION DESIGNED TO RELEASE SPANISH PRIESTS AWAITING TRIAL IN MOZAMBIQUE. CUBAN CAPTAIN CAPTURED IN GUINEA MAY ALSO BE FREED. ALTHOUGH AMNESTY WAS OVERDUE UNDER PORTUGUESE TRADITION, THIS ONE APPEARS DESIGNED TO RID GOP OF CERTAIN EMBARRASSING PROBLEMS. END SUMMARY.

1. GOP PUBLISHED NOV. 16 DECREE FROM COUNCIL OF MINISTERS GRANTING AMNESTY TO MOST CATEGORIES OF PRISONERS. AMNESTY REDUCES SENTENCES FOR WIDE RANGE OF ORDINARY CRIMES AND PARDONS OUTRIGHT ALL PERSONS SERVING "CORRECTIONAL SENTENCES" (UNDER TWO YEARS) FOR POLITICAL

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PAGE 02 LISBON 04239 200719Z

OFFENSES. (THOSE SERVING LONGER SENTENCES NOT AFFECTED.)

VAST MAJORITY OF POLITICAL OFFENDERS ARE IN "CORRECTIONAL" CATEGORY; AVERAGE SENTENCE OF "CRIMES AGAINST STATE SECURITY" IS 18 MONTHS. OF 80 PERSONS CONVICTED FOR POLITICAL OFFENSES IN 1972, 67 RECEIVED "CORRECTIONAL" SENTENCES.

2. SPECIAL PROVISIONS OF DECREE EXTEND IT TO OVERSEAS TERRITORIES AND TO MILITARY OFFENSES.

3. ARTFUL PROVISION APPARENTLY DESIGNED SPECIFICALLY TO EFFECT RELEASE AND EXPULSION OF TWO PRIESTS FROM SPANISH MISSIONARY SOCIETY WHO HAVE BEEN IN JAIL SINCE EARLY FEBRUARY 1972 IN MOZAMBIQUE AWAITING TRIAL ON CHARGES HAVING SUPPORTED FRELIMO. GOP REPORTEDLY APPREHENSIVE THAT TRIAL OF PRIESTS WOULD DRAW INTERNATIONAL ATTENTION AND DAMAGING PUBLICITY; PRIESTS WORKED AT MUCUMBURA, WHERE IT GENERALLY ACKNOWLEDGED THAT CIVILIANS WERE SHOT BY MILITARY IN DECEMBER 1971.

4. DECREE APPARENTLY COVERS PEDRO RODRIGUEZ PERALTA, CUBAN ARMY CAPTAIN CAPTURED IN PORTUGUESE GUINEA IN 1969 AND SERVING 10-YEAR SENTENCE HERE (LISBON A-166 OF JULY 14, 1972). CUBAN'S LAWYER SAYS HE WILL SEEK RELEASE OF HIS CLIENT. (COMMENT: WE WOULD BE SURPRISED TO SEE RODRIGUEZ PERALTA FREED WITHOUT SOME RECIPROCAL ACTION BY HAVANA. CONCEIVABLY THIS COULD INVOLVE CUBAN ASSISTANCE IN ARRANGING FOR RELEASE OF PORTUGUESE HELD BY PAIGC.)

5. AMNESTY COMES ON WHEELS OF TWO OTHER POSSIBLE PEACE OFFERINGS BY GOP TO ITS CRITICS: (1) ANNOUNCEMENT THAT ALL REMAINING CHARGES AGAINST THOSE ARRESTED IN NEW YEAR'S EVE PEACE VIGIL HAD BEEN DROPPED, AND (2) ACQUITTAL OF PROMINENT OPPOSITIONIST ARCHITECT NUNO THEOTONIO PEREIRA (NEPHEW OF FORMER AMBASSADOR TO US), WELL KNOWN OPPOSITIONIST PRIEST FELICDADE ALVES, AND TWO OTHERS, ON CHARGES OF SUBVERSIVE ACTIVITIES STEMMING FROM EVENTS IN 1968 AND 1969.

6. COMMENT: PORTUGAL HAS TRADITION OF AMNESTIES ABOUT LIMITED OFFICIAL USE

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PAGE 03 LISBON 04239 200719Z

EVERY TWO YEARS; LAST WAS IN MAY 1970, AND THUS THIS AMNESTY LONG EXPECTED. CALLS FOR AMNESTY IN NATIONAL ASSEMBLY AND BY BAR ASSOCIATION AT END OF LAST YEAR WERE DROWNED OUT IN UPROAR OVER PEACE VIGIL AND EXPLOSIONS OF PAMPHLET CANNISTERS AROUND NEW YEAR'S DAY. OPPOSITIONIST CDE STRESSED AMNESTY THEM BEFORE AND DURING RECENT ELECTION CAMPAIGN, THEREBY PRACTICALLY INCURRING ITS DELAY. DECREE SHOULD WARD OFF PRESSURE FOR AMNESTY FROM NATIONAL

ASSEMBLY, WHICH OPENS TODAY.
POST

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